



## **Senate Bill 288**

# **Victim Employment Protections**

## **Fact Sheet**

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### **Purpose:**

Victims of crime in California have a constitutional right under Marcy's Law to attend all court proceedings however they are not currently protected from employment discrimination if they choose to exercise their constitutional right.

SB 288 corrects this problem by amending the Labor Code to provide employment protections for victims who choose to exercise their constitutional right to attend their perpetrator's court proceedings without fear of discrimination or retribution from their employer.

### **Deficiency in Existing Law:**

As currently written, Labor Code section 230 prohibits discrimination or retaliation by an employer against an employee who takes time off (1) to serve as a juror, (2) to appear in court as a witness pursuant to a subpoena or other court order, or (3) who is a domestic violence or sexual assault victim and is obtaining or attempting to obtain a restraining order or other injunctive relief for the health, safety, or welfare of the victim or his or her child.

While victims have a California constitutional right to attend all court proceedings, they are not currently protected

from employment discrimination if they choose to exercise their constitutional right.

### **Background:**

The present language in Labor Code section 230, subdivision (b), protects employees from discrimination or retaliation to appear in court to comply with a subpoena or other court order in *any judicial proceeding*.

Most employers provide their employees who are victims of crime with support and provide them with time off to attend court proceedings. Unfortunately, not all employers provide their employees with the opportunity to exercise their-rights afforded to them as a crime victim under Marcy's Law.

In fact, several victims of horrendous crimes have been terminated, or threatened with termination or demotion by their employers for exercising their constitutional rights under Marcy's law.

### **This bill:**

Senate Bill 288 amends Labor Code section 230 to provide that employers may not discharge, discriminate against or retaliate against an employee who is a victim of specified offenses for taking time off from work to appear in court to be heard at any



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proceeding in which a right of the victim is at issue.

The protections afforded by SB 288 would apply to those individuals who have suffered direct or threatened physical, psychological, or financial harm as a result of a commission or attempted commission of a crime or delinquent act. Under SB 288 a victim also includes a person's spouse, parent, child, sibling or guardian. This is the same definition of victim contained in California's constitution.

SB 288 provides employment protections for victims of the most serious and violent crimes. This list includes the following:

- Murder and Solicitation of murder;
- Kidnapping;
- Carjacking;
- Rape, stalking, and domestic violence;
- Sex Offenses;
- DUI vehicular manslaughter and other vehicular deaths; and
- Child abuse the caused significant harm or death

Victims of crime have a constitutional right to attend court proceedings relating the crime against them. This constitutional right must be protected or it has no meaning. Amending Labor Code section 230 provides victims a way to enforce their constitutional right without jeopardizing their job.

### **Support:**

Los Angeles District Attorney's Office  
(Sponsor)  
Crime Victims Action Alliance (Co-Sponsor)

### **Opposition:**

CSAC Excess Insurance Authority

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